



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

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विधि और विधायी कार्य विभाग

भोपाल, दिनांक 27 जून 2018

क्र. 10631-186-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश धर्मशास्त्र राष्ट्रीय विधि विश्वविद्यालय विधेयक, 2018 (क्रमांक 14 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL

No. 14 OF 2018

THE MADHYA PRADESH DHARMASHASTRA NATIONAL LAW UNIVERSITY BILL, 2018

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MADHYA PRADESH BILL

No. 14 OF 2018

**THE MADHYA PRADESH DHARMASHASTRA NATIONAL
LAW UNIVERSITY BILL, 2018**

A Bill to establish and incorporate a teaching and residential "Dharmashastra National Law University" at Jabalpur in the State of Madhya Pradesh for the development and advancement of legal education and for the purposes of imparting specialized and systematic instruction and training to students of law and officers performing administrative, quasi judicial functions and research in systems of law and for the matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the sixty-ninth year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Madhya Pradesh Dharmashastra National Law University Act, 2018. **Short title and commencement-**

(2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.

2. In this Act, unless the context otherwise requires,—

Definitions:

- (a) "Academic Council" means the Academic Council of the University constituted in terms of section 21;
- (b) "Bar Council of India" means the Bar Council of India constituted under the Advocates Act, 1961 (No. 25 of 1961);
- (c) "Chancellor" means the Chancellor of the University in terms of section 8;
- (d) "Chief Justice" means the Chief Justice of the Madhya Pradesh High Court and includes the acting Chief Justice;
- (e) "Executive Council" means the Executive Council of the University constituted in terms of section 14;
- (f) "Finance Committee" means the Finance Committee of the University constituted in terms of section 25;
- (g) "General Council" means the General Council of the University constituted in terms of section 10;
- (h) "prescribed" means prescribed by the statutes, ordinances or regulations made under this Act;
- (i) "Registrar" means the Registrar of the University appointed in terms of section 34;
- (j) "State Bar Council" means the Bar Council of Madhya Pradesh constituted under the Advocates Act, 1961 (No. 25 of 1961);
- (k) "State Government" means Government of Madhya Pradesh;
- (l) "teacher" means the Professors, Associate Professors, Assistant Professors and such other persons by whatsoever name called, appointed with the approval of the Academic Council, for imparting education and conducting research in the College or Institution run by the University;

- (m) "University" means the Dharmashastra National Law University, Jabalpur established under section 3;
- (n) "Vice-Chancellor" means the Vice-Chancellor of the University appointed in terms of section 29; and
- (o) "Visitor" means the Visitor of the University designated or nominated in terms of section 7.

CHAPTER II

ESTABLISHMENT OF THE UNIVERSITY, ITS OBJECTIVES AND FUNCTIONS

Establishment and incorporation of the Dharmashastra National Law University.

3. (1) There shall be established in the State of Madhya Pradesh, a University by the name of the "Dharmashastra National Law University" situated at Jabalpur.

(2) The University shall be a body corporate by the name specified in sub-section (1) and shall have perpetual succession and a common seal. It shall have the power to acquire, hold and dispose of property both movable and immovable, to contract and shall sue and be sued by the said name.

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar or a representative appointed by him or by any person nominated by him for this purpose and all process in such suits and proceeding shall be issued to, and served on the Registrar.

Objectives of the University-

4. The objectives of the University shall be—

- (i) to advance, disseminate and impart comprehensive legal education, learning and knowledge including through distant and continuing legal education at all levels to achieve excellence with a view to ensure its proper role in national development, to develop in students and research scholars, a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, judicial and other legal services, legislation, law reforms and the like, and to advance legal education in a professional manner;
- (ii) to organize advanced studies and promote research in various branches of law;
- (iii) to disseminate legal knowledge and legal processes and their role in national development by organizing lectures, seminars, symposia, workshops, conferences etc;
- (iv) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;
- (v) to improve the ability to analyse contemporary issues of public concern and their legal implications for the benefit of the public;
- (vi) to liaise with institutions of higher learning and research in India and abroad;
- (vii) to publish periodicals, treatises, study books, reports, journals and other literature on all subjects relating to law;
- (viii) to hold examinations and confer degrees, titles, diplomas or certificates and other academic distinctions;
- (ix) to promote legal awareness in the community for achieving social and economic justice;
- (x) to undertake research, study, workshop or training to judicial officers and training projects relating to law, legislation and judicial institutions etc;

- (xi) to hold administrative officers training programme and research on the legal subjects and social importance; and
- (xii) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the University.

5. The University shall have the following powers and functions to be exercised and performed by or through its various officers and authorities, namely:—

Powers and functions of the University.

- (i) to administer and manage the University, and such centres for study, research, training, education and instructions as are necessary in furtherance of the objects of the University;
- (ii) to provide for instruction in all branches of knowledge or learning pertaining to law and allied subjects as the University may deem fit;
- (iii) to organize and undertake extramural teaching and extension services;
- (iv) to make provisions for research, training and for the advancement and dissemination of knowledge of law including through distance learning and continuing education programmes;
- (v) to hold examinations and to grant or confer degrees, titles, diplomas, certificates and other academic distinctions on persons and to withdraw any such degrees, titles, diplomas and other academic distinctions subject to such conditions, as the University may prescribe;
- (vi) to fix, demand and receive fees and other charges as may be prescribed;
- (vii) to institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition;
- (viii) to establish on campus special centres, specialized study centres or other units for research and instructions as are in the opinion of the University necessary in furtherance of its objects;
- (ix) to regulate the discipline of the students and staff of the University and to make arrangements for promoting their health and general welfare;
- (x) to make arrangements in respect of teaching and residence of students including women students;
- (xi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xii) to maintain and regulate and enforce discipline among the students, teachers staff and other employees of the University and to take such disciplinary measures, as may be deemed necessary;
- (xiii) to institute Professorships, Associate Professorships, Assistant Professorships and any other teaching, academic or research posts, required by the University;
- (xiv) to appoint persons as Professors, Associate Professors, Assistant Professors, Researchers and other employees of the University;
- (xv) to institute and award fellowships, scholarships, prizes and medals;
- (xvi) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (xvii) to sponsor and undertake research in various fields of law, justice and social development;

- (xviii) to co-operate with any other institution or organization in the matter of education, training and research in law, justice, social development and allied subjects for such purposes, as may be agreed upon, on such terms and conditions, as the University may from time to time, determine;
- (xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or otherwise similar to those of the University by exchange of teachers and scholars and generally in such manner, as may be conducive to the common objects of the University;
- (xx) to regulate the expenditure and to manage the accounts of the University;
- (xxi) to establish and maintain, within the premises of the University such schools and study halls, as the University may consider necessary and adequately furnish the same;
- (xxii) to establish and maintain such libraries and reading rooms, as may appear convenient or necessary for the University;
- (xxiii) to receive grants, subventions, subscriptions, donations and gifts to achieve the objects of the University;
- (xxiv) to purchase, take on lease or accept as gifts or otherwise any land or building or works, which may be necessary or convenient for the purpose of the University on such terms and conditions, as it may deem necessary and proper and to construct or alter and maintain any such land and building or works;
- (xxv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, subject to the conditions of allotment of government land wherever applicable, on such terms and conditions, as it may deem necessary and proper without prejudice to the interests and objects of the University;
- (xxvi) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxvii) to execute conveyances, transfers, reconveyances, mortgages, leases, licences and agreements in respect of property, movable or immovable including the State Government securities belonging to the University or to be acquired for the University;
- (xxviii) to appoint in order to execute an instrument or transact a business of the University, any person as it may deem fit;
- (xxix) to give up and cease from carrying on any classes or departments of the University;
- (xxx) to enter into any agreement or collaboration with the Central Government, State Government, the University Grants Commission or any other Authority for receiving grants;
- (xxxi) to accept grants of money, securities or property of any kind or description on such terms and conditions, as may be deemed expedient;
- (xxxii) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions, as it may think fit, and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;

- (xxxiii) to invest the funds of the University or moneys entrusted to the University in or upon such securities or deposits and in such manner, as it may deem fit and from time to time and transpose any investments;
- (xxxiv) to make such statutes, ordinances, regulations and other instruments, as may from time to time, be considered necessary for regulating the affairs and the management of the University and its properties and to alter, modify and to rescind them;
- (xxxv) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed insurance, provident fund, gratuity and other schemes, as it may be deemed fit and to make such grants as it may be proper for the benefit of the staff of the University and to aid in establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of the University;
- (xxxvi) to confer honorary degrees and other distinctions in the manner prescribed in the regulations;
- (xxxvii) to delegate all or any of its powers to the Vice-Chancellor or any Committee or to anyone or more members of its body or its officers;
- (xxxviii) to organise University laboratories, libraries, museums and other equipment for teaching and research;
- (xxxix) to establish, maintain and manage teaching departments, school of studies, centres of studies and halls;
- (xl) to provide such lectures and instructions for, and to grant, such diplomas and certificates to persons who are not enrolled as students of the University, as the University may determine;
- (xli) to promote with special care the educational interest of the weaker sections of the people and in particular of the Scheduled Castes and the Scheduled Tribes;
- (xlii) to provide to the teachers and alumni of the University facilities of refresher and vocation courses as the University may deem fit;
- (xliii) to co-operate and collaborate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (xliv) to make provision for:
 - (a) extramural teaching and extension service;
 - (b) correspondence course;
 - (c) physical training;
 - (d) sports and athletic activities;
 - (e) social service schemes;
 - (f) diploma courses; and
 - (g) certificate course;
- (xlv) to institute and manage:
 - (a) Information Bureau;
 - (b) Employment Bureau; and
 - (c) printing and publication Department and Translation Bureau;

- (xlvi) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;
- (xlvii) to make special arrangements in respect of women students as the University may consider desirable;
- (xlviii) to make arrangements for promoting the health and general welfare of the employees;
- (xlix) to do all such acts and things whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

Teaching and residence of students and grant of law degree, diploma etc by the University.

6. (1) All recognised teaching in connection with the degrees, diplomas and certificates shall be conducted under the control of the General Council in terms of the provisions of the statutes, ordinances and regulations.

(2) The courses and curricula and the authorities responsible for organising such teaching shall be as prescribed.

(3) Every student of the University, shall reside in a hostel maintained or recognized by the University or under such conditions as may be prescribed.

(4) Notwithstanding anything contained in any other law for the time being in force, the University shall have power to grant law degrees, diplomas, certificates and other academic distinctions and titles under this Act in terms of the provisions of the statutes, ordinances and regulations, as prescribed.

CHAPTER III

POWERS AND FUNCTIONS OF THE VISITOR AND THE CHANCELLOR

Visitor-

7. (1) The Chief Justice of the Supreme Court of India, or his nominee, from among the sitting Judges of the Supreme Court of India, shall be the Visitor of the University.

(2) The Visitor, when present shall preside over the convocation of the University.

The Chancellor.

8. (1) The Chief Justice of the High Court of Madhya Pradesh shall be the Chancellor of the University.

(2) The Chancellor shall appoint the Vice-Chancellor of the University in accordance with the procedure specified in the Act.

(3) The Chancellor, in the absence of the Visitor, shall preside over the convocations of the University.

(4) The Chancellor shall preside over the meetings of the General Council.

(5) (a) The Chancellor shall have the powers—

- (i) to give direction, take action, or do anything as required under the provisions of this Act and the statutes, regulations or ordinances;
- (ii) to cause an inspection by such person, as he may direct, of any work, activity or examination of the University or centers of research ;
- (iii) to give his views or advice to the Vice-Chancellor in the matters wherein an inspection has been made under sub-clause (ii) .

(b) Where the Chancellor of the University under sub-clause (ii) of clause (a) has ordered an inspection, the University may depute one of its officers to represent it in such inspection.

(c) The Chancellor shall communicate the result of the inspection along with his advice to the Vice-Chancellor.

(d) The result and the advice referred to in clause (c) shall be communicated by the Vice-Chancellor to the Executive Council with his comments for such action as the Executive Council may propose to take and the action so taken shall be communicated to the Chancellor through the Vice-Chancellor.

(e) Where the Executive Council does not, within reasonable time, take action to the satisfaction of the Chancellor, after considering any explanation furnished or representation made by the Executive Council, the Chancellor may issue such directions as he may think fit and the Executive Council shall comply with such directions.

(6) The Chancellor may offer such advice to the University, as he may deem appropriate.

(7) In case of differences among the authorities or officers of the University on any matter, which cannot be otherwise resolved, the decision of the Chancellor shall be final.

(8) The Chancellor may invite a person or persons of eminence in law and legal education to advise the University in relation to the affairs of the University as and when he deems it necessary.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY AND THEIR POWERS AND FUNCTIONS

9. The following shall be the Authorities of the University, namely :—

Authorities of the University-

- (i) the General Council;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee; and
- (v) such other authorities, as may be constituted by the statutes from time to time.

10. (1) There shall be a General Council of the University, which shall consist of the following members, namely:—

General Council and its terms of office.

- (i) the Chancellor of the University;
- (ii) the Minister-in-charge of Law and Legislative Affairs, Government of Madhya Pradesh;
- (iii) the Minister-in-charge of Higher Education, Government of Madhya Pradesh;
- (iv) two Judges of Madhya Pradesh High Court nominated by the Chief Justice of Madhya Pradesh, one of whom, shall be the Judge in-charge of Madhya Pradesh State Judicial Academy;
- (v) the Chief Secretary to the Government of Madhya Pradesh or his nominee;
- (vi) the Advocate General, Madhya Pradesh;
- (vii) the Principal Secretary of Law and Legislative Affairs Department, Government of Madhya Pradesh;
- (viii) the Additional Chief Secretary or Principal Secretary of Finance Department, Government of Madhya Pradesh.

- (ix) the Additional Chief Secretary or Principal Secretary of Higher Education Department, Government of Madhya Pradesh;
- (x) the Chairman, State Bar Council of Madhya Pradesh or his nominee;
- (xi) the Director, National Judicial Academy, Bhopal;
- (xii) the Vice-Chancellor of any National Law University as may be nominated by the Chancellor;
- (xiii) the Chairperson of the University Grants Commission or his nominee;
- (xiv) three eminent lawyers nominated by the Chancellor; and
- (xv) the Vice-Chancellor of the University.

(2) A person, who has become a member of the General Council by reason of office or appointment he holds, his membership shall be terminated, when he ceases to hold that office or appointment.

(3) The term of office of the nominated members of the General Council shall be three years.

(4) A member of the General Council shall cease to be a member, if he resigns or becomes of unsound mind, or becomes insolvent or is convicted of a criminal offence involving moral turpitude. A member, other than the Vice-Chancellor shall also cease to be member, if he accepts a full time appointment in the University or if he not being an ex officio member, fails to attend three consecutive meetings of the General Council without obtaining the leave of the Chancellor.

(5) A member of the General Council other than an ex officio member, may resign his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it has been accepted by him.

(6) Any vacancy of the nominated member in the General Council shall be filled by nomination by the nominating authority and on expiry of the period of the vacancy, such nomination shall cease to be effective.

Chairman and Secretary.

11. (1) The Chancellor or his nominee shall be the Chairman of the General Council.

(2) The Vice-Chancellor of the University shall be the Secretary of the General Council.

Powers of the General Council.

12. (1) The General Council shall have following powers, namely :—

- (i) to exercise the powers and functions of the University laid down in section 5 except where such powers are given to some other authority or officer of the University;
- (ii) to review from time to time the broad policies and programmes of the University and to take measures for the improvement and development of the University;
- (iii) to consider and pass resolutions as deemed fit on the annual report, financial estimates, annual accounts and the audit reports on such accounts;
- (iv) to delegate all or any of its powers to the Vice-Chancellor or any committee or any sub-committee or one or more of its members ; and
- (v) to perform such other functions as it may deem necessary for the efficient functioning and administration of the University.

(2) The General Council shall be the plenary authority of the University and shall formulate and review from time to time the broad policies and programmes of the University and devise

measures for the improvement and development of the University and shall also have the following powers and functions, namely:—

- (i) to consider and pass the annual report, financial statement and the budget estimates prepared by the Executive Council and to adopt them with or without any modification; and
- (ii) to make statutes concerning the administration of the affairs of the University including prescribing the procedure to be followed by the authorities and the officers of the University in the discharge of their functions.

13. (1) The General Council shall meet at least once in a year and at least fifteen days notice shall be given for its meetings. **Meetings of the General Council.**

(2) The Chairman shall preside over the meeting and in his absence, his nominee will preside over the meeting.

(3) One third of the total number of members of the General Council shall form the quorum for a meeting.

(4) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the Chairman or the person presiding over the meeting shall, in addition, have a casting vote.

(5) If urgent action by the General Council become necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed at the next meeting of the General Council for confirmation.

(6) A report of the working of the University during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimate shall be presented by the Vice-Chancellor to the General Council at its annual meeting.

14. (1) The Executive Council shall be the Chief Executive body of the University. **The Executive Council-**

(2) The administration, management and control of the University and the income thereof shall be vested with the Executive Council which shall control and administer the property and funds of the University.

15. (1) The Executive Council shall consist of the following members, namely:— **Members of the Executive Council-**

- (i) the Vice-Chancellor;
- (ii) the Advocate General of Madhya Pradesh;
- (iii) the Principal Secretary of Law and Legislative Affairs Department, Government of Madhya Pradesh;
- (iv) the Additional Chief Secretary or Principal Secretary of Finance Department, Government of Madhya Pradesh;
- (v) the Additional Chief Secretary or Principal Secretary of Higher Education Department, Government of Madhya Pradesh;
- (vi) the Chairman of the State Bar Council, Madhya Pradesh;
- (vii) the Dean of Student's Welfare of the University;

- (viii) two whole time teachers of the University, by rotation according to seniority;
- (ix) the Registrar of the University, who shall also be the Secretary of the Executive Council.

(2) The Vice-Chancellor shall be the Chairman of the Executive Council.

**Term of office of
Executive
Council-**

16. (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(2) A member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Vice-Chancellor or a member of a faculty accepts a full time appointment in the University or if he fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council or acts against the interests of the University.

(3) Unless the membership of the Executive Council is previously terminated as provided in sub-sections (1) or (2), members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council but shall be eligible for re-nomination or re-appointment, as the case may be.

(4) A member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it is accepted by the Chairman of the Executive Council.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make the same and on the expiry of the period of the post on which vacancy occurs, such appointment or nomination shall cease to be effective.

**Powers and
functions of the
Executive
Council.**

17. Without prejudice to the provisions of section 12, the Executive Council shall have the following powers and functions:—

- (i) to create, abolish or classify teaching posts in the University with the prior approval of the State Government and to determine the qualifications, emoluments and duties attached thereto after considering the recommendations of the University Grants Commission;
- (ii) to appoint from time to time, the Registrar, the Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff as may be necessary on the recommendations of the selection committee constituted by regulations for the purpose:

Provided that it shall not be necessary to constitute any selection committee for making appointment:

- (a) to any supernumerary post; or
- (b) of a person of high academic distinction, eminence and professional attainment to the post of Professor;
- (iii) to create administrative, ministerial and other necessary posts, to determine the minimum qualifications and emoluments of such posts with the prior approval of the State Government;

- (iv) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents, as it may deem fit;
- (v) to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, deem fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;
- (vi) to transfer or accept transfers of any movable or immovable property on behalf of the University;
- (vii) to enter into, vary, carry out and cancel contracts on behalf of the University and for that purpose to appoint such officers as it may deem fit;
- (viii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;
- (ix) to entertain, adjudicate and to redress any grievances of the officers of the University, the teachers, the students and employees who may, for any reason, feel aggrieved;
- (x) to appoint examiners and moderators, and if necessary to remove them and to fix their fee, emoluments, and travelling and other allowances, after consulting the Academic Council;
- (xi) to select a common seal for the University and to provide for the custody of the seal;
- (xii) to delegate any of its powers except the powers to make regulations to any Officer or Authority either temporarily or permanently; and
- (xiii) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

18. The Executive Council may, by regulations, provide for reservations of seats to the residents of the State of Madhya Pradesh, women and members of Scheduled Castes, Scheduled Tribes and Other Backward Classes:

Reservation of seats.

Provided that fifty percent of the seats shall be reserved for the students who are domicile of Madhya Pradesh.

Explanation.- The words "Scheduled Castes", "Scheduled Tribes" and "Other Backward Classes" shall have the same meaning as assigned to them in the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994).

19. (1) The Executive Council shall meet at least once in three months.

Meetings of the Executive Council -

(2) The Chairman of the Executive Council, shall preside over a meeting of the Executive Council, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.

(3) Four members of the Executive Council shall form the quorum at any meeting thereof.

(4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

(5) If urgent action by the Executive Council becomes necessary, the Vice- Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

Constitution of standing committee and appointment of adhoc committees.

20. (1) Subject to the provisions of this Act or the regulations made in this behalf, the Executive Council may, by resolution, constitute such standing committees or appoint adhoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University or for enquiring into, reporting or advising upon any matter relating to the University.

(2) The Executive Council may co-opt such persons to a standing committee or an adhoc committee, as it considers suitable and may permit them to attend the meetings of the Executive Council.

Academic Council.

21. The Academic Council shall be the academic body of the University and shall, subject to the provision of this Act and the regulations, have power of control and general regulation of, and be responsible for, the maintenance of standards of instructions, education and examination of the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the regulations. It shall have the right to advise the Executive Council on all academic matters.

Membership of the Academic Council.

22. (1) The Academic Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor, who shall be the Chairman thereof;
- (ii) three persons from amongst the educationists of repute or men of letters or members of the learned professions or eminent public men, who are not in the service of the University, nominated by the Chancellor;
- (iii) the Principal Secretary of Law and Legislative Affairs Department, Government of Madhya Pradesh;
- (iv) a nominee of the State Bar Council of Madhya Pradesh;
- (v) all the Heads of the Department of the University;
- (vi) all Professors other than the Heads of the Department;
- (vii) two members of the teaching staff, representing Associate Professors to be nominated by the Chancellor;
- (viii) the Dean of the Faculties;
- (ix) the Dean of Student's Welfare; and
- (x) the Registrar of the University, who shall be the Secretary of the Academic Council.

(2) The term of the members, other than the ex-officio members, shall be three years.

Powers and duties of the Academic Council

23. Subject to the provisions of this Act or the regulations, the Academic Council shall in addition to all other powers vested in it, have the following powers, namely:—

- (i) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (ii) to make recommendation to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the qualifications, emoluments and duties attached thereto;

- (iii) to formulate and modify or revise schemes for organisation of the faculties and to assign to such faculties their respective subjects and also to report to the Executive Council as the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;
- (iv) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the University;
- (v) to promote research within the University and to require, from time to time, report on such research;
- (vi) to consider proposals submitted by the faculties;
- (vii) to appoint committees for admission to the University;
- (viii) to recognise diplomas and degrees of other Universities and Institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
- (ix) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competitions for fellowship, scholarships and other prizes and to award the same;
- (x) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;
- (xi) to make arrangements for the conduct of examinations and to fix dates for holding them;
- (xii) to declare the result of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment of grant of degrees, honours, diplomas, licences, titles and marks of honours;
- (xiii) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;
- (xiv) to publish list of prescribed or recommended text books and to publish syllabus of the prescribed courses of study;
- (xv) to prepare such forms and registers as are, from time to time, prescribed by regulations; and
- (xvi) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of provisions of this Act and the regulations.

24. (1) The Academic Council shall meet as often as may be necessary, but not less than twice during an academic year.

Meetings of the
Academic
Council.

(2) The Chairman of the Academic Council shall preside over the meeting of the Academic Council and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.

(3) One half of the total number of members of the Academic Council shall form the quorum for a meeting of the Academic Council.

(4) Each member of the Academic Council shall have one vote and if there shall be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council or, as the case may be, the member presiding over the meeting, shall in addition have a casting vote.

(5) If urgent action by the Academic Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall be intimated forthwith to all the members of the Academic Council. The papers shall be placed at the next meeting of the Academic Council for confirmation.

**Finance
Committee.**

25. (1) There shall be a Finance Committee consisting of the following, namely:—

- (i) the Vice-Chancellor;
- (ii) one member nominated by the Executive Council from amongst its members;
- (iii) an officer each of the Finance Department and the Higher Education Department (not below the rank of Deputy Secretary) Government of Madhya Pradesh, to be nominated by the State Government;
- (iv) one member to be nominated by the General Council;
- (v) the Registrar of the University;
- (vi) the Finance Controllor of the University, who shall be the Secretary of the Finance Committee.

(2) The members of the Finance Committee shall hold office for a period of three years.

(3) The Finance Committee shall have the following powers, duties and functions, namely: —

- (i) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
- (iii) to consider the periodical statements of accounts and to review the finances of the University from time to time and to consider re-appropriation statements and audit reports to make recommendations to the Executive Council;
- (iv) to give its views and to make recommendations to the Executive Council on financial matter affecting the University either on its own initiative or on reference from the Executive Council or the Vice-Chancellor.

(4) The Finance Committee shall meet at least once in six months. Three members of the Finance Committee shall form the quorum.

(5) The Vice-Chancellor shall preside over the meetings of the Finance Committee, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.

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CHAPTER V

*

OFFICERS OF THE UNIVERSITY

**Officers of the
University.**

26. The following shall be the officers of the University, namely:—

- (i) Chancellor;
- (ii) the Vice-Chancellor;

- (iii) the Dean of the Faculties;
- (iv) the Dean of Student's Welfare;
- (vi) the Finance Controller;
- (vi) the Controller of Examination;
- (vii) the Registrar; and
- (viii) such other officers in the service of the University as may be declared by the statutes to be officers of the University.

CHAPTER VI STATUTES, ORDINANCES AND REGULATIONS

27. (1) **Statutes-** (a) The statutes of the University shall be framed by the Executive Council and shall contain provisions regarding constitution and functions of various bodies of the University, appointments and terms of appointment, conditions of service and powers of various university officials and constitution of the Fund of the University and its deployment. **Statues, ordinances and regulations.**

(b) The statutes shall be binding on all authorities, officers, teachers and employees of the University and persons connected with the University.

(c) Every new statute or addition to the statutes or any amendment or repeal of a statute shall be done with the approval of the General Council.

(2) (a) Subject to the provisions of this Act and the statutes as amended from time to time, the ordinances of the University may be made by the Executive Council for all or any of the following matters, namely:— **Ordinances.**

- (i) the course of study, admission of students, fees, qualifications requisite for any degree, diploma or certificate and grant of fellowship;
- (ii) the conduct of examination including the appointment of the examiners and their terms and conditions;
- (iii) any other matter required by the statutes to be dealt by ordinances of the University.

(b) No ordinances concerning the admission to the University or its examinations, courses of study, scheme of examinations, attendance and appointment of examiners shall be considered by the Executive Council unless draft of such ordinance has been proposed by the Academic Council.

(c) The Executive Council shall not amend the draft of the ordinance proposed by the Academic Council unless the Academic Council consents to said amendment but the Executive Council shall have power to reject or return the draft to the Academic Council for reconsideration either in whole or in part, together with any amendments, which the Executive Council may suggest.

(d) The draft ordinances made by the Executive Council shall be submitted to the General Council and shall be considered by the General Council at its next meeting and shall come into effect from the date on which the General Council approves the same by resolution.

(e) The General Council shall have power, by resolution passed by a majority of not less than two third of the members present and voting, to approve, modify or rescind any proposed ordinance made by the Executive Council. Such ordinance shall come into force after approval of the General Council.

Regulations-

(3) (a) Subject to the provisions of the ordinances, the Executive Council shall have, in addition to all the other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the University:—

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing the opinion in writing on the proposed changes and any opinion so expressed shall be considered by the Executive Council:

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters, namely:—

- (i) the constitution, powers and duties of the Academic Council;
- (ii) the authorities responsible for organising teaching in connection with the University courses and related academic programmes;
- (iii) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (iv) the establishment and abolition of faculties, departments, halls, and institutions;
- (v) the institution of fellowships, scholarships, studentship, exhibitions, medals and prizes;
- (vi) conditions and modes of appointment of examiners or conduct or standard of examinations or any other course of study;
- (vii) mode of enrolment or admission of students;
- (viii) examinations to be recognised as equivalent to examinations of the University.

(b) The Academic Council shall have the power to propose regulations on all the matters specified in clauses (i) to (viii) of second proviso to clause (a) and matters connected therewith or incidental thereto.

(c) Where the Executive Council has rejected the draft of a regulation proposed by the Academic Council, the Academic Council may appeal to the Chancellor and the Chancellor may, by order, direct that the proposed regulation may be laid at the next meeting of the General Council for its approval and that pending such approval of the General Council it shall have effect from such date as may be specified in that order:

Provided that if the regulation is not approved by the General Council at such meeting, it shall cease to have effect.

(d) All regulations made by the Executive Council shall be placed before the General Council at its next meeting, and the General Council shall have the power to amend or cancel any regulation made by the Executive Council:

Provided that regulations so far as they relate to the Provident Fund, Gratuity and such other schemes as enumerated in section 37, shall come into force only after approval by the General Council.

Special provision
for better
administration
of University in
certain
circumstances.

28. (1) If the Chancellor on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the University cannot be carried out in accordance with the provisions of the Act, without detriment to the interests of the students and it is expedient in the interest of the University so to do, he may by notification, for reasons to be mentioned therein, direct that the provisions of sections 10 to 24 to and shall as from the date specified in the notification (hereinafter in this section referred to as the appointed date), apply to the University subject to the modifications as specified in sub-sections (2), (3), (4) and (5).

(2) The notification issued under sub-section (1) (hereinafter referred to as the notification) shall remain in operation for a period of one year from the appointed date and the Chancellor may, from time to time, extend the period by such further period as he may think fit, however that the total period of operation of the notification does not exceed three years.

(3) The Chancellor shall simultaneously with the issue of the notification, appoint the Vice-Chancellor, who shall hold office during the period of operation of the notification:

Provided that the Vice-Chancellor may, notwithstanding the expiration of the period of operation of the notification, continue to hold office thereafter until his successor enters upon office but this period shall not exceed one year.

(4) As from the appointed date, the following consequences shall ensue, namely:—

- (i) the Vice-Chancellor, holding office immediately before the appointed date, shall notwithstanding that his term of office has not expired, vacate his office;
- (ii) every person holding office as a member of the Executive Council or the Academic Council, as the case may be, immediately before the appointed date shall cease to hold that office;
- (iii) until the Executive Council or Academic Council, as the case may be, is reconstituted, the Vice-Chancellor appointed under sub-section (3) shall exercise the powers and perform the duties conferred or imposed by or under this Act, on the Executive Council or Academic Council :

Provided that the Chancellor may, if he considers it necessary so to do, appoint a committee consisting of an educationist, an administrative expert and a financial expert to assist the Vice-Chancellor so appointed in exercise of such powers and performance of such duties.

(5) Before the expiration of the period of operation of the notification or immediately as early as practicable, after the expiration of the notification, the Vice-Chancellor shall take steps to constitute the Executive Council and Academic Council in accordance with the provisions of the Act, and the Executive Council and Academic Council as so constituted shall begin to function on the date immediately following the date of expiry of the period of operation of the notification or the date on which the respective bodies are so constituted, whichever is later:

Provided that if the Executive Council and Academic Council are not constituted before the expiration of the period of operation of the notification, the Vice-Chancellor shall on such expiration, exercise the powers of each of these authorities subject to prior approval of the Chancellor till the Executive Council or Academic Council, as the case may be, is so constituted.

29. (1) The Vice-Chancellor shall be appointed by the Chancellor upon the recommendations of a Selection Committee :

Vice-Chancellor.

Provided that the first Vice-Chancellor of the University shall be appointed by the Chancellor on such terms and conditions as may be specified, by order, by the Chancellor for a period not exceeding three years.

(2) The Vice-Chancellor shall be a distinguished academician in the profession of law, with a minimum experience of 10 years as a Professor of law in a University system or a distinguished jurist not below the rank of District Judge or an Administrator not below the rank of Secretary to Government of India and shall not be above the age of 70 years. He shall be appointed by the Chancellor from a panel of not less than three persons recommended by the Selection Committee constituted under sub-section (3) and (7):

Provided that if the person or persons approved by the Chancellor out of those recommended by the Selection Committee are not willing to accept the appointment, the Chancellor may call for fresh recommendations from such committee.

(3) The Chancellor shall appoint a Selection Committee consisting of the following persons, namely:—

- (i) one person elected by the Executive Council ;
- (ii) one person nominated by the Chairman of the University Grants Commission:
- (iii) one person nominated by the Chancellor from amongst eminent scholars or jurist as well as from sitting High Court Judge of High Court of Madhya Pradesh or retired Judge of Supreme Court or High Court of Madhya Pradesh.

The Chancellor shall appoint one of the three persons to be the Chairman of the Committee.

(4) For constituting the committee under sub-section (3), the Chancellor shall, six months before the expiry of the term of the Vice-Chancellor, call upon the Executive Council and the Chairman of the University Grants Commission to choose their nominees and if any or both of them fail to do so within one month of the receipt of the Chancellor's communication in this regard, the Chancellor may, further nominate anyone or both the persons, as the case may be.

(5) No person who is an employee of the University shall be elected or nominated on the committee constituted under sub-section (3).

(6) The committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may be extended by the Chancellor.

(7) If for any reasons the committee constituted under sub-section (3) fails to submit the panel within the period specified in sub-section (6), the Chancellor shall constitute another committee consisting of three persons, not connected with the University, one of whom shall be designated as the Chairman. The committee so constituted shall submit a panel of three persons within a period of six weeks or such shorter period as may be specified, from the date of its constitution.

(8) If the committee constituted under sub-section (7) fails to submit the panel within the period specified therein the Chancellor may appoint any person whom he deems fit, to be the Vice-Chancellor.

Emoluments and conditions of service of Vice-Chancellor, term of office and vacancy in the office of Vice-Chancellor.

30. (1) The Vice-Chancellor shall be a full-time salaried officer of the University and his emoluments and other terms and conditions of service shall be prescribed by the statutes.

(2) The Vice-Chancellor shall hold office for a term of five years and shall not be eligible for appointment for more than two terms:

Provided that notwithstanding the expiry of his term he shall continue to hold office until his successor is appointed and enter upon his office but this period shall not in any case exceed six months.

(3) If at any time upon representation made or otherwise and after making such enquiries as may be deemed necessary, it appears to the Chancellor that the Vice-Chancellor: -

- (i) has made default in performing any duty imposed on him by or under this Act; or
- (ii) has acted in a manner prejudicial to the interests of the University; or

- (iii) is incapable of managing the affairs of the University, the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, by an order in writing stating the reasons therein, require the Vice-Chancellor to relinquish his office as from such date as may be specified in the order.
- (4) No order under sub-section (3) shall be passed unless the particulars of the grounds on which such action is proposed to be taken is communicated to the Vice-Chancellor and he is given a reasonable opportunity of showing cause against the proposed order.
- (5) As from the date specified in the order under sub-section (3), the Vice-Chancellor shall be deemed to have relinquished the office and the office of the Vice-Chancellor shall fall vacant.
- (6) In the event of the occurrence of any vacancy including a temporary vacancy in the office of the Vice-Chancellor by reason of his death, resignation, leave, illness or otherwise, the Dean of any faculty or the senior most Professor of University teaching department nominated by the Chancellor for that purpose shall act as the Vice-Chancellor until the date on which the Vice-Chancellor appointed under sub-section (1) or sub-section (8) of section 29 enters or re-enters, as the case may be, upon his office:

Provided that the arrangement contemplated in this sub-section shall not continue for a period of more than six months.

31. (1) The Vice-Chancellor shall be the principal administrative and academic officer of the University and shall be an ex-officio member and Chairman of the Executive Council and of the Academic Council and Chairman of such other authorities, committees and bodies of the University of which he is a member. He shall be entitled to be present and to speak at any meeting of any authority, committee or other body of the University but shall not be entitled to vote thereat unless he is a member of the authority, committee or body concerned.

**Powers and
duties of Vice-
Chancellor-**

(2) It shall be the duty of the Vice-Chancellor to ensure that this Act and the regulations are faithfully observed and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have the power to convene meetings of the Executive Council, the Academic Council and of such other authorities, committees and bodies of the University of which he is the Chairman. He may delegate this power to any other officer of the University.

(4) If in the opinion of the Vice-Chancellor any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such actions as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority, committee or other body as would have in the ordinary course dealt with the matter:

Provided that the action taken by the Vice-Chancellor shall not commit the University to any recurring expenditure for a period of more than three months:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University such person shall be entitled to prefer, within thirty days from the date on which such action is communicated to him, an appeal to the Executive Council:

Provided also that this power shall not extend to matters regarding amendment in the regulations or any matter relating to appointments.

(5) On receipt of a report under sub-section (4), if the authority, committee or body concerned does not approve the action taken by the Vice-Chancellor, it shall refer the matter to the Chancellor whose decision thereon shall be final.

(6) The action taken by the Vice-Chancellor under sub-section (4) shall be deemed to be the action taken by the appropriate authority until it is set aside by the Chancellor on a reference made under sub-section (5) or is set aside by the Executive Council on an appeal under the second proviso to sub-section (4).

(7) If in the opinion of the Vice-Chancellor any proceeding of any authority, committee or other body of the University is likely to be prejudicial to the interests of the University, he shall record his reasons and refer the matter to the Chancellor and so inform the authority, committee or other body concerned whereupon the decision concerned shall not be given effect to till the matter is decided by the Chancellor.

(8) The Vice-Chancellor shall exercise general control over the affairs of the University and shall give effect to the decisions of the authorities of the University.

(9) The Vice-Chancellor shall be the final authority for the maintenance of discipline among the students of the University. His directions in this behalf shall be carried out by the Heads of Departments, hostels and institutions.

(10) Notwithstanding anything contained in sub-section (9), the punishment of debarring a student from an examination or rustication from the University or a hostel or an institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity of being heard against the action proposed to be taken against him.

(11) Notwithstanding anything contained in any other law for the time being in force, the Vice-Chancellor shall have the power to engage person of high academic distinction, eminence and professional attainment as teacher as he may deem fit on contractual basis to offer course (s) to students.

(12) The Vice-Chancellor shall exercise such other powers as may be prescribed.

**Powers and
duties of first
Vice-Chancellor.**

32. It shall be the duty of first Vice-Chancellor of the University to constitute Executive Council, Academic Council and other authorities of the University within a period of two years from the date of the establishment of the University and till the said authorities are constituted. The Vice-Chancellor shall be deemed to be the Executive Council, Academic Council or such other authority, as the case may be, and shall exercise the powers and perform the duties conferred or imposed on such authorities by or under this Act. The first Vice-Chancellor shall frame the first statutes, ordinances and regulations with the approval of the Chancellor:

Provided that the Chancellor may, if he considers it necessary or expedient so to do, appoint a committee consisting of an academician, an administrative expert and a financial expert to aid and advise the Vice-Chancellor in the exercise of his powers and performance of functions in lieu of each such authority.

**Head of the
Department-**

33. (1) There shall be a Head of the Department for each of the department in the University.

(2) The powers, functions, appointments and the conditions of service of the Heads of the Department shall be such as may be prescribed by the regulations.

Registrar.

34. (1) The Registrar shall be a whole time officer of the University.

(2) The Registrar shall be appointed by the Executive Council, after obtaining approval of the Chancellor, from amongst the Professors, Associate Professors, cadre of the State Administrative Service, State University Services or from the Madhya Pradesh Higher Judicial Service.

(3) The terms and conditions of service of the Registrar shall be such as may be prescribed by the regulations.

(4) The Registrar shall be the ex-officio Secretary of the Executive Council, Academic Council and the faculties.

(5) The Registrar shall:

- (i) comply with all directions and orders of the Executive Council and the Vice-Chancellor;
- (ii) be the custodian of the records, common seal and such other property of the University as the Executive Council shall commit to his charge;
- (iii) call a meeting of the Executive Council forthwith in an emergency when neither the Vice-Chancellor nor the officer duly authorised is able to act and to take its directions for carrying on the work of the University;
- (iv) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions;
- (v) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify the pleadings or depute representatives for the purpose; and
- (vi) perform such other duties as may be assigned from time to time, by the Executive Council or the Vice-Chancellor.

(6) In the event of the post of the Registrar remaining vacant for any reason, the Vice-Chancellor may authorise any officer in the service of the University to exercise such powers, functions, and duties of the Registrar as the Vice-Chancellor deems fit:

Provided that no such person shall hold office for a period exceeding 6 months.

35. (1) The Executive Council shall constitute selection committee for making recommendations to the Executive Council for appointment to the posts of Professors, Associate Professors and other teachers in the University.

Selection
Committee-

(2) The selection committee shall consist of the following members:—

- (i) the Vice-Chancellor or the nominee of the Chancellor who shall be the Chairman of the committee;
- (ii) the Head of the Department concerned, provided that he holds a post not lower than the level of the post for which the selection is to be made;
- (iii) three experts for selecting Professors, Associate Professors and Assistant Professors, nominated by the Vice-Chancellor from amongst a panel of names recommended by the Academic Council and approved by the Executive Council.

(3) The meeting of the selection committee shall be convened by the Vice-Chancellor as and when necessary. Three members shall constitute the quorum.

CHAPTER VII REVIEW COMMISSION

36. (1) The Chancellor at least once in every five years constitute a Commission to review the working of the University and to make recommendations.

Appointment of
Review
Commission-

(2) The Commission shall consist of not less than three eminent educationists one of whom shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of the appointment of the members shall be such as the Chancellor may determine.

(4) The Commission shall, after holding such enquiry as it deems fit, make its recommendation to the Chancellor:

Provided that it shall be mandatory for the Review Commission to hold discussions or take feedback of each batch or year of students separately before making any representation to the Chancellor.

(5) The Chancellor may take such action on the recommendations as he deems fit.

Provident Fund and Gratuity.

37. All the permanent employees of the University shall be entitled to the benefit of the Provident Fund and Gratuity in accordance with such regulations as may be framed in that behalf.

Fund of University

38. (1) There shall be for the University, a University Fund which shall include:—

- (i) any contribution or grant made by the State Government;
- (ii) any contribution or grant made by the University Grants Commission or the Central Government;
- (iii) any contribution made by the State Bar Council of any State;
- (iv) any bequests, donations, endowments or other grants made by private individuals or institutions;
- (v) income received by the University from fees and charges; and
- (vi) amounts received from any other source.

(2) The State Government shall provide annual grant to the University from its budget.

(3) The amount in the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934) or may be invested in such securities authorised by the Indian Trusts Act, 1882 (No. 2 of 1882) as may be decided by the Executive Council.

(4) The said Fund may be utilized for such purpose of the University and in such manner as may be prescribed by regulations.

Sponsored Schemes and self-financed schemes-

39. (1) Whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme, to be executed by the University, notwithstanding anything contained in this Act or the regulations-

- (i) the amount received, shall be kept by the University separately from the University Fund and utilized only for the purpose of the scheme; and
- (ii) the staff required to execute the scheme, shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization:

Provided that no such staff, whether teaching or non teaching, shall have a right to be absorbed or appointed as regular University employee after completion of the said scheme, unless such an express commitment has been provided by the University, at the initial appointment stage, based upon the conditions of the sponsorship.

(2) The self-financed schemes of the University shall be conducted in such manner as may be prescribed by regulations.

40. (1) The annual accounts of the University shall be prepared under the directions of the Executive Council.

The annual
accounts and
audit.

(2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Council:

Provided that the State Government shall have the powers to direct, whenever considered necessary, an audit of the accounts of the University, including the institutions managed by it, by such auditors as it may specify.

(3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the General Council and shall also be submitted to the State Government.

(4) The annual accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it deems fit. The Executive Council shall inform the General Council at its next meeting of all actions taken by it or the reasons for not taking action.

41. (1) The Executive Council shall prepare before such date as may be prescribed by the regulations, the financial estimates for the ensuing year and place the same before the General Council.

Financial
estimates-

(2) The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the General Council at its next meeting.

42. (1) The Executive Council shall prepare an annual report, containing such particulars as are prescribed or as may be specified by the General Council by passing resolutions and the Executive Council shall take action in the annual accounts and audit in accordance therewith. The action taken shall be intimated to the General Council.

Annual report.

(2) Copies of the annual report alongwith the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall as soon as possible may cause the same to be laid on the table of the State Legislative Assembly.

43. All contracts relating to the management and administration of the University, having a value exceeding a certain amount, as prescribed by the regulations, shall be executed by the Vice-Chancellor and the remaining contracts, below the prescribed value, shall be executed by the Registrar.

Execution of
contracts.

44. If not less than two third of the members of Academic Council recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is in their opinion by reason of eminent attainment and position. fit and proper to receive such degree or academic distinction, the General Council may, by a resolution, decide that the same may be conferred on the person recommended.

Honorary
degrees.

45. (1) The Executive Council may, on the recommendation of the Academic Council, withdraw any distinction, degree, diploma or privilege conferred on or granted to any person by a resolution, passed by the majority of the total membership of the Executive Council as per the provisions to be provided in the regulations.

Withdrawal of
degrees or
diplomas-

(2) No action under this section shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the Executive Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the Executive Council may appeal to the Chancellor within thirty days from the date of the receipt of such resolution.

(5) The decision of the Chancellor in such appeal shall be final.

Power of State Government to give direction.

46. The State Government shall have the powers to issue directions to the University in matters relating to administrations and management of the University in exceptional circumstances.

Transfer of property

47. The State Government may transfer to the University buildings, lands or any other property whether movable or immovable for use and management by the University on such conditions and subject to such limitations as the State Government may deem fit for the purpose of this Act.

Proceeding of authorities or bodies not to be invalidated by vacancies-

48. Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time, no act or proceeding of any authority, committee or body of the University shall be invalid merely by reason if :—

- (a) any vacancy in or defect in the constitution thereof;
- (b) any defect in the election, nomination or appointment of a person acting as a member thereto; or
- (c) any irregularity in its procedure not affecting the merits of the case.

(2) No resolution of any authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

CHAPTER VIII MISCELLANEOUS

Removal of difficulties at the commencement -

49. If any difficulty arises with respect to the establishment of the University or in connection with the first meetings of any authority of the University or otherwise in first giving effect to the provisions of this Act and the regulations, the Chancellor may, at any time, before all authorities of the University have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the regulations:

Provided that before making any such order the Chancellor shall ascertain and consider the opinion of the Vice-Chancellor and of such appropriate authority of the University as may have been constituted.

Transitory provisions-

50. Notwithstanding anything contained in this Act and the regulations, the Vice-Chancellor may, with the previous approval of the Chairman of the General Council and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose may exercise any powers or perform any duties, which may by this Act and the regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the regulations.

51. No suit, prosecution or other legal proceeding shall lie against and no damages shall be claimed from the University, the Vice-Chancellor, the authorities or officers of the University or any other person in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or any regulations made thereunder. **Indemnity.**

52. The provisions of this Act and any regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. **Act to have overriding effect.**

53. (1) The Madhya Pradesh Dharmashastra National Law University Ordinance, 2018 (No. 5 of 2018) is hereby repealed. **Repeal and saving-**

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In order to provide comprehensive quality legal education to fulfil the national objective of ensuring rule of law is the need of the hour because quality of legal education is directly related to quality of rule of law. In the State of Madhya Pradesh, at present this objective is being partially fulfilled by National Law Institute University, Bhopal. Since Jabalpur being the principal seat of Madhya Pradesh High Court and traditionally a great centre of learned judges and senior advocates, the demand for setting up a new Law University at Jabalpur to provide highest standard of legal education has been repeatedly raised. To achieve this objective the Government of Madhya Pradesh has decided to set up a University at Jabalpur to be called the Dharmashastra National Law University, by enacting a suitable legislation.

2. As the matter was urgent and the Legislative Assembly was not in session, the Madhya Pradesh Dharmashastra National Law University Ordinance, 2018 (No. 5 of 2018) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature without any modification.

3. Hence this Bill.

BHOPAL:

Dated 20th June, 2018

JAIBHAN SINGH PAWAIYA

Member-In-Charge.